

ENTERED

May 15, 2018

David J. Bradley, Clerk

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

VALENTIN ORTIZ,
Petitioner,

v.

LORIE DAVIS, Director, Texas
Department of Criminal Justice,
Correctional Institutions Division,
Respondent.

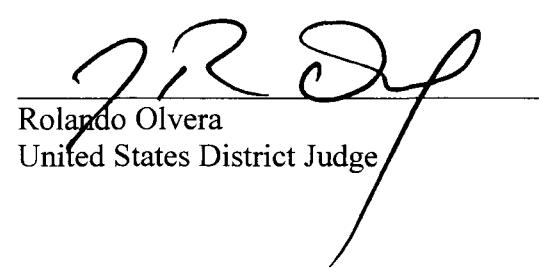
§ Civil Action No. 1:17-cv-00161
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ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Before the Court is “Magistrate Judge’s Report and Recommendation” (Docket No. 40) (hereafter “R&R”) regarding Valentin Ortiz’ (hereafter “Petitioner”) “Amended Petition for Writ of Habeas Corpus by a Person in State Custody” (Docket No. 5). No objections were filed; the deadline for filing objections has expired.¹

After a de novo review of the file, the Magistrate Judge’s Report and Recommendation is **ADOPTED**. It is therefore, **ORDERED, ADJUDGED, and DECREED** that Petitioner’s “Amended Petition for Writ of Habeas Corpus by a Person in State Custody” (Docket No. 5) is hereby **DISMISSED** with prejudice and Petitioner’s “Motion to Appeal the Appeal [sic] Certificate [sic] Appealability” (Docket No. 41) is hereby **DENIED as moot**. The Certificate of Appealability is also hereby **DENIED**. The Clerk of the Court is hereby **ORDERED** to close this case.

Signed on this 15th day of May, 2018.



Rolando Olvera
United States District Judge

¹ Petitioner’s counsel of record failed to file objections to the “R&R” (Docket No. 40). However, after the “R&R” was filed, but within the deadline to file objections, Petitioner filed a handwritten “Motion to Appeal the Appeal [sic] Certificate [sic] Appealability” (hereafter “Motion to Appeal”) (Docket No. 41) and reasserted conclusory claims addressed in the “R&R.” See Docket 40 at 11-12. Even if Petitioner’s “Motion to Appeal” was intended to represent objections to the “R&R,” Petitioner’s conclusory claims are meritless and futile.